UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN

CHRISTOPHER FRANKE,
Individually and on behalf of others similarly situated

Plaintiff

-vs-

Case No. 12-1374
Hon. Robert J. Jonker

FINANCIAL LEAD SERVICES, LLC,

Defendant

CHRISTOPHER FRANKE'S MOTION TO APPROVE FINAL DISBURSEMENT, SUPPLEMENTAL FEES, AND DISMISSAL OF CASE

For the reasons set forth in the accompanying brief, Christopher Franke requests that the Court approve disbursement of the residual funds in the settlement fund, grant supplemental fees to the class administrator, and dismiss the case.

Respectfully Submitted,

By: s/ Ian B. Lyngklip
Ian B. Lyngklip (P-47173)
LYNGKLIP & ASSOCIATES
CONSUMER LAW CENTER, PLC
Attorney For Christopher Franke
24500 Northwestern Highway, Ste. 206
Southfield, MI 48075
(248) 208-8864
Ian@MichiganConsumerLaw.Com

Dated: October 9, 2015

UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN

CHRISTOPHER FRANKE,
Individually and on behalf of others similarly situated,

Plaintiff,

-vs-

Case No. 12-1374
Hon. Robert J. Jonker

FINANCIAL LEAD SERVICES, LLC,
et al
Defendants.

BRIEF IN SUPPORT OF
CHRISTOPHER FRANKE'S MOTION TO APPROVE FINAL DISBURSEMENT, SUPPLEMENTAL FEES, AND DISMISSAL OF CASE

Introduction

On May 27, 2105, this Court entered an order granting final approval of the class action settlement and awarding attorney's fees, costs and service awards to class representatives (R. 125). In that order, the Court provided that "Plaintiff's counsel may submit to the Court any request for payment of reasonable costs incurred after the approval of the Class Settlement and involved in implementing the settlement." (R. 125 ¶4).

On July 9, 2015 McGladrey (the settlement administrator appointed in this case) issued settlement checks to the class members. As of October 1, 2015 there remains an undistributed residual amount of $60,025.21 representing some 2,026 checks after deduction of bank fees. Since the date of preliminary approval, McGladrey has incurred additional expenses and costs of $10,935.14 (See Exhibit 1).

At the final fairness hearing, the Court provided that these unused funds should be used to compensate the class administrator and be distributed to a *Cy Pres* recipient. Counsel for Plaintiffs respectfully request that the Court authorize a final distribution of these Residual Funds in accordance with the approved settlement agreement as set forth below.

McGladrey	$10,935.14
estimated EPIC (*Cy Pres* recipient) disbursement	$49,090.07
Total	$60,025.21

The proposed distribution set forth above conforms the approved settlement agreement (R.107-2 at ¶9(c) Pg.ID#2101) and final approval order (R. 125 at ¶4) and will permit the Court to enter its final order dismissing and closing this case.

The Second Distribution Plan Is Fair and Reasonable.

A proposed final distribution plan may be approved where the Court finds the plan to be fair and reasonable. See *IUE-CWA v. General Motors Corp.*, 238 F.R.D. 583, 594 (E.D. Mich. 2006). "The district court has broad supervisory powers with respect to the administration and allocation of settlement funds." *In re Holocaust Victim Assets Litig.*, 413 F.3d 183, 185 (2d Cir. 2001) (citation omitted); accord *In re Holocaust Victim Assets Litig.*, 424 F.3d 158.

In this case, the Court has already approved the use of the settlement funds for the purposes requested. All that remains is the approval of costs for the final disbursement, and dismissal of the case. For the reasons set forth above, Plaintiffs respectfully request that the Court authorize the distribution of the Residual Fund in accordance with the settlement agreement, and dismiss the case.

Respectfully Submitted,

By: s/ Ian B. Lyngklip
Ian B. Lyngklip (P-47173)
LYNGKLIP & ASSOCIATES
CONSUMER LAW CENTER, PLC
Attorney For Christopher Franke
24500 Northwestern Highway, Ste. 206
Southfield, MI 48075
(248) 208-8864
Ian@MichiganConsumerLaw.Com

Dated: October 9, 2015

Certificate of Service

I hereby certify that on October 9, 2015, I electronically filed the foregoing paper with the Clerk of the Court and served this document on the following parties:

Party	Manner Served
Frederick Mackraz The Mackraz Law Office, PC Attorney For Financial Lead Services, LLC 401 Hall Street, SW Suite 134 Grand Rapids, MI 49503 PHONE: (616) 235-4000 FAX: fred@mackrazlaw.com	Electronically via the CM/ECF System

Respectfully Submitted,

By: s/ Ian B. Lyngklip
Ian B. Lyngklip P47173
LYNGKLIP & ASSOCIATES
CONSUMER LAW CENTER, PLC
Attorney for Christopher Franke
24500 Northwestern Highway, Ste. 206
Southfield, MI 48075
PHONE: (248) 208-8864
Ian@MichiganConsumerLaw.Com

Dated: October 9, 2015